PETITION FOR ZONING VARIANCE N/S Security Boulevard, 251' E of the c/l of Woodlaum Drive (6502 Security Boulevard) 1st Election District 2nd Councilmanic District

* BEFORE THE . DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY

Meadows Park Ltd. Partnership

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit 50 parking spaces in lieu of the required spaces, and to permit 6 stacking spaces in lieu of the required 7, of which 4 spaces are to be located behind the Order Board in lieu of the required 5, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Benjamin Bronstein, Esquire, appeared and testified. Joseph Smiley, Assistant Real Estate Manager for McDonalds Corporation, Contract Lessee, and Peter Freitag, Architect for McDonalds, appeared, testified, and were represented by E. Harrison Stone, Esquire. Also appearing on behalf of the Petition was J. Strong Smith, Registered Professional Engineer, with G. W. Stephens, Jr. & Associates, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 6502 Security Boulevard, consists of 1.05 acres zoned B.M., is the site of a former Hardees fast food restaurant, which has been out of operation since 1986 as a result of a fire. The property is currently an eyesore. Petitioners have entered into a contract to lease the subject property to McDonalds Corporation for purposes of establishing a McDonalds restaurant at this location. Testimony indicated the property was the subject matter of previous Case No. 89-30-A in which a variance was granted to permit 50

PETITON FOR ZONING VOIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-109-A The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description end plat ettached hereto and made a part hereof, hereby petition for a Variance from Section 409.6A(2) to allow 50 parking spaces in lieu of the required 98 spaces , and from 409.10.A to permit 6 stacking spaces in

lies of the required?, of which 4 spaces are to be behind the order board in of the Zoning Regulations of Saltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) lies of the required 5.

Site too small to comply with existing Regulations.

Property is to be posted and advertised as prescribed by Zoming Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Managaric Publications Meadows Park Limited Partnership (Type or Pfint Name) agnature David Matysin, Reg. 3015 Williams Drive

Fairfax, Virginia 22031 6500 Rock Spring Drive (301) 530-9667 Harrison Stone Bethesda, Maryland 20817

02 W Pennsylvania Avenue Towson Maryland 21204 Attorney's Telephone No.: (301) 823-1800

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day that the subject matter of this petition be advertised, as quired by the Zoning Law of Baltimore County, in two newspapers of general circulation through Baltimore County, that property be posted, and that the public hearing be had before the Zoning in Baltimore County in Room 106, County Office Building in Towson, Baltimore commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

parking spaces in lieu of the required 82 spaces. At the time of that hearing, McDonalds had design plans for a one-story building. Testimony presented in the instant case indicated Baltimore County has requested that McDonalds redesign the building to stay within the previous footprint of the former Hardees building as the property is located within the 100 year flood plain. Testimony presented by Mr. Freitag indicated that in order to comply with this request and construct a building to meet their needs, a two story building is necessitated. Mr. Freitag testified that while the parking requirements are greater due to the increased square footage of the proposed building, the actual seating capacity is less than that originally proposed for the one-story building. He testified that a number of spaces will be consumed by the construction of two bathrooms, one on the first floor and another on the second floor, and the double stairways to the second floor which are needed to meet Code requirements. McDonalds requested the incorporation of the earlier testimony regarding the sufficiency of the proposed 50 parking spaces to meet the needs of their operation. Testimony presented at the earlier hearing indicated that Petitioners estimate a minimum 37% of its customers will be drivethrough with a high percentage of walk-in customers due to the fact that the Social Security Administration complex is located across the street from the subject site and a high school exists within walking distance at the rear of the property. Further, as a result of studies performed, McDonalds' experience in the Baltimore Metropolitan Area indicates the average number of parking spaces in use at any given time is 38 spaces. In O O o view of the facts presented, the Petitioners argued that they would suffer undue hardship if strict compliance with the zoning regulations were re-

With respect to the Petitioners requested variance to the required stacked parking, Petitioners noted that, technically, their plan does provide for 7 stacked spaces. Petitioner noted that the technician for the Zoning Office questioned the practical use of the 7th stacked space due to its relationship to the entrance into McDonalds from Security Boulevard. Testimony presented indicated that McDonalds experience shows that stacking has not been a problem as carry-out customers who intended to use the drive-through rather than wait in a long line would park their car and enter McDonalds to place their order.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

nderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

303 ALLECHEN AVE TOWSON

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this again of September, 1989 that the Petition for Zoning Variance to permit 50 parking spaces in lieu of the required 98 spaces, and to permit 6 stacking spaces in lieu of the required 7, of which 4 spaces are to be located behind the Order Eoard in lieu of the required 5, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

> 2) The variances granted herein are contingent upon Petitioner's compliance with all Zoning Plans Advisory Committee comments, including, but not limited to, the Office of Planning comments dated September 19, 1989.

> 3) Landscaping for the subject property shall at a minimum meet the requirements of the Baltimore County Landscaping Manual and shall include that proposed by the Office of Planning as set forth in the exhibit attached to their September 19, 1989 comments.

> > ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

PLEASE PRINT CLEARLY

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC. CONSULTING ENGINEERS 203 EAST BROADWAY BEL AIR, MARYLAND 2101 GEORGE WELLAM STEPHENS, JR. (1888-1983) LEONARD A. PARRISH P.E. MILLARD T. SCHAUB P.E. WAYNE E MAISENHOLDER PLS PAUR W. TAYLOR P.E.

MCDONALD'S CORPORATION SITE AT 6502 SECURITY BOULEVARD ELECTION DISTRICT NO. 1 BALTIMORE COUNTY, MARYLAND

Beginning for the same along the northerly side of Security Boulevard (120 feet wide), distant the two following courses and distances from the centerline

South 860 553 32" East 251.81 feet, thence by a curve to the right having, A radius of 2,520 feet, an arc length of 81.86 feet, said curve being subtended by a chord bearing South 86° 00' 01" East 81.86 feet to said point of beginning, thence leaving said Security Boulevard and running,

North 67° 54' 30" East 541.34 feet, thence,

W. HARRY, SOP, JR. PLS.
CHARLES E. PICK P.E.
FRANCIS W. ZEIGLER, JR. PLS.
J. STRONG SMITH P.E.
J. STRONG SMITH P.E.
TAPOBRATA CHAKRABARTI P.E.
CHARLES K. STARK P.L.S.
ROBERT B. BARKELL
PASQUALE R. CLARLO
WALTER F. EISNER P.L.S.
ROBERT B. BERNER P.L.S.

- 2. South 09° 03' 37" West 125.64 feet, thence,
- North 81° 08' 32" West 96.69 feet, thence, 4. South 20° 42' 20" West 149.80 feet to intersect said northerly side of Security
- Boulevard, thence along same, the two following courses and distances,
- North 81° 14° 14" West 164.50 feet, thence by a curve to the left having, 6. A radius of 2,520.00 feet, an arc length of 172.01 feet, said curve being subtended by a chord bearing North 83° 05' 59" West 171.98 feet to the point of beginning...containing 45,654.25 square feet or 1.0481 acres of land, more

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

NOTICE OF HEARING

Depuis F. Rasmusser

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 100 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as

Petition for Zoning Variance CASE NUMBER: 90-109-A N/S Security Blvd., 251 E of c/1 of Woodlawn Drive 6502 Security Boulevard 1st Election District - 2nd Councilmanic Legal Owner(s): Meadows Park Limited Partnership Lessee: McDonald's Corporation

HEARING SCHEDULED: TUESDAY, SEPTEMBER 26, 1989 at 11:00 a.m. Variance: To allow 50 parking spacesin lieu of the required 98 mpaces and to permit 6 stacking spaces in lieu of the required ?, of which 4 spaces are to be behind the order board in lieu of the required 5.

In the event that this Petition is granted, a kuilding permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, hower, entertain any request for a stay of the issuance of said permit turing this period for good cause shows. Such request must be in writing and received in this office by the date of the hearing set above or prosented at the hearing.

ROBERT HAINS ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

McDonald's Corporation F. Harrison Stone, Esq.



Date of Posting September 5, 1989 Positioner: Meadows Varke Limited Partnerships

Location of property. N/S Security Block, 251'8 of the of Woodlaws.

Dury 4502 Security Block

Location of Signer Morth and of Security Block in front of subject.

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Beau Posted by Signature

Date of return: September 8, 1989... CERTIFICATE OF PUBLICATION TOWSON, MD., August 3] 19.89 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on THE JEFFERSONIAN, cete Orlan 7/14/89 Date

FOR RENT LEGAL NOTICE Adult Education

Adult Education

Adult Education

Courses Improve

Adult Education

Adult Courses Improve the Harris State County Courses Courses Courses Courses Course The Office of Adult Education,
Baltimore County Public Schools, is offering a variety of business education urses for adults to enhance office grammar/punctuation review. Evening Weyne Lambert, And Cristins Uparts of TAM, comparates in the courses see offered as many country to the 7-11, 7410 Monte Mill Road, Baltimore, Solid they are the mosts high schools and begin the week of solid Sear A Wine License term Ann Adams Parks.

Sept. 18. The registration fee for most of 7-Eleven Store #18800, 0:00 p.m.) RID. See Business Day See Business Day See business education courses is \$21. Heading upon the applications uso at ty colleges. This Persons can register by mail, in persons while made in a control of the mini courses with son, or by selephone. Mail in register to COUNTY OFFICE BUILDING FOWSON. Formathy: set in

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE J. Robert Haines DATE: September 19, 1989 Zoning Commissioner FROM: Pat Keller, Deputy Director Office of Planning and Zoning SUBJECT: Item 581 Zoning Petition No. 90-109A Meadows Park Ltd.Partnership The Petitioner requests a Variance for a reduction in the number of required parking and stacking places. In reference to this request, staff offers the foll wing - A CRG hearing is required due to the fact that the building size will be increased. - A landscape plan must be submitted for approval prior to the issuance of any building permits. - A note shall be included on the landscape plan indicating. that any landscaping provided in the public right-of-way shall be maintained by the property owner. Please note that an attached overlay has been submitted which outlines two areas that staff feels should be landscaped.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL/pat

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Baltimore County
Fire Department SiO York Road Towson, Maryland 21204-2586 (301) 887-4500 JULY 19, 1989 Paul H. Reinson J. Robert Haines Commissioner trfice of Planning and Zoning Baltimore County Office Building Towson, MD 21204 RE: Property Owner: MCDONALD'S CORPORATION N/S OF SECURITY BLVD. Location: 1tem No.s 1 581 Zoning Agenda: JULY 11, 1989 Gentlemen: Pursuant to your request the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property. 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in cordance with Baltimore County Standards as published by the Department of Public Works. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition priorito occupancy. REVIEWER: All O-11 foly 700-59 Approved Fire .
Special Inspection Division

Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204 Zoning Item # 58/, Zoning Advisory Committee Meeting of July 11.1989 Property Owner: Meadows Park Limited Partnership Location: N/5 of Security Blud. District: 01/ metro Sewage Disposal: Water Supply: COMMENTS ARE AS FOLLOWS: Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Pians Teview Section, bureau or Regional Community Services, for final review and approval. () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins. () A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere. () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more. () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval. Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse. saunas, whirlpools, hot tubs, water and severage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Departmen of Environmental Protection and Resource Management for review and approval. For more complete informatio contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315. () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulatio For more complete information, contact the Division of Maternal and Child Health. () If lubrication work and oil changes are performed at this location, the method providing for the eliminati of waste oil must be in accordance with the State Department of the Environment. (V) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775. Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745. l percolation tests, have been ____, must be ____, conducted.) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required. Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore In accordance with Section 13-117 of the Baltimore County Code, the water well yield test) shall be valid until () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications. () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples. () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmenta Effects Report must be submitted. For more information contact the Division of Environmental Management () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

SUREAL OF WATER QUALITY AND RESOURCE

WILLIAMEN

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554 Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204 The Bureau of Traffic Engineering has no comments for items number 515, 574, 575, 576, 577, 578, 579, 580, 581, and 582. Traffic Engineer Associate II



